

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

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Southern District of Texas

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Attorney for Plaintiff

SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Hidalgo County, Texas

Tract: RGV-MCS-2119

Owner: Heirs of Romulo Cavazos, et al.

Acres: 27.36

As identified in the Warranty Deed, Document # 1952-9461, recorded on June 4, 1952, at Volume 747, Pages 410-411 in the Deed Records of Hidalgo County:

In Section Number Twenty-Eight (28) out of and a part of what is known as the La Lomita Subdivision of Porciones 53, 54, 55, 56, and 57, Hidalgo County, Texas, according to map or plat thereof recorded in the public records of said Hidalgo County, to which reference is hereby made for more complete description thereof, to-wit;

1. A part of Porcion 55 described by metes and bounds as follows: Beginning at a point where the west line of Porcion 55 intersects the south edge of the borrow pit of the Old United Irrigation Company Main Canal (now owned by Hidalgo County Water Control and Improvement District No. 14); thence south with the west line of said Porcion 55 to the north bank of the Rio Grande; thence downstream with the north bank of said Rio Grande to a point where it intersects the west line of the former United Irrigation Company First Lift Pump Site as set out and described in deed dated December 31, 1951 executed by Mary O'Brien Shary, et al conveying to Hidalgo County Water Control and Improvement District No. 14 said First Lift Pump Site and certain other lands of the Irrigation System, said deed being recorded in Vol. 736, Page 82, of the Deed Records of Hidalgo County, Texas, to which reference is here made for a more particular description of the west line of said First Lift Pump Site; thence in a northerly direction with the west line of said First Lift Pump Site to a point where it intersects the south edge of the borrow pit of said Main Canal; thence in a northwesterly direction with the south edge of the borrow pit of said Main Canal to the place of beginning, including therein all that part of Maria Inez Banco No. 46 lying in Porcion 55; SAVE AND EXCEPT all oil, gas and other minerals as hereinafter set out and reserved;

2. That part of Maria Inez Banco No. 46 lying in Porcion 54, said Banco No. 46 being cut off from the Republic of Mexico in the year A.D. 1880 and surveyed and marked by the International Boundary Commission, United States and Mexico, made in the year A.D. 1910 map or plat of same being of record in the office of the County Clerk of Hidalgo County, Texas, to which reference is here made; SAVE AND EXCEPT all oil, gas, and other minerals as hereinafter set out and reserved.

All of said lands and premises being according to maps or plats thereof of record in the office of the County Clerk of Hidalgo County, Texas, to which reference is here made; there being herein conveyed all of said Maria Inez Banco No. 46.

Tract: RGV-MCS-2119

SCHEDULE D

SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Hidalgo County, Texas

Tract: RGV-WSL-2119

Owner: Heirs of Romulo Cavazos, et al.

Acres: 27.36

The estate taken is a temporary, assignable easement beginning on the date possession is granted to the United States and ending 12 months later, consisting of the right of the United States, its agents, contractors, and assigns to enter in, on, over and across the land described in Schedule C to survey, make borings, and conduct other investigatory work for the purposes described in Schedule B and to access adjacent lands; including the right to trim or remove any vegetative or structural obstacles that interfere with said work; reserving to the landowners, their successors and assigns all right, title, and privileges as may be used and enjoyed without interfering with or abridging the rights hereby acquired; subject to minerals and rights appurtenant thereto, and to existing easements for public roads and highways, public utilities, railroads and pipelines.

SCHEDULE F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is ONE HUNDRED DOLLARS AND NO/100 (\$100.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto; and, an additional sum determined at the conclusion of the temporary estate described in Schedule E to constitute actual damages, if any.

SCHEDULE G

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Parties	Reference
Heirs of Romulo Cavazos:	RGV-MCS-2119:
Anna Pirone Kilbourne 5228 McCormick Mountain Drive Austin, Texas 78734-1814	June 4, 1952 – Warranty Deed – Document #: 1952-9461; Volume 747, Page 410; Deed Records of Hidalgo County
Rita Pirone Noak 10701 Lovridge Court Austin, Texas 78739-1786	October 14, 1997 – Affidavit of Heirship of Romulo Cavazos – Document #: 1997- 629918; Deed Records of Hidalgo County
Jose C. Anzaldua, Jr. 2132 Martin Avenue McAllen, Texas 78504-3812	October 21, 2015 - Obituary of Baudilia Cavazos Pirone (sister of Romulo Cavazos) published by The Monitor, McAllen, Texas
Aurora A. Garcia 6637A El Camino Real Mission, Texas 78572-1505	January 29, 2007 - Affidavit of Heirship of Aurora C. Anzaldua (sister of Romulo Cavazos)- Document #: 2007-1714961, Deed Records of Hidalgo County
Norma Alicia Anzaldua 6637 El Camino Real, Apt 9 Mission, Texas 78572-1505	
Maria Elena Ovalle 219 Santa Fe Street Edinburg, Texas 78541-9477	
Yolanda A. Martinez 308 N. 13 th St Donna, Texas 78537-2816	
Delia A. Mendoza 6636 El Camino Real Mission, Texas 78572-1505	
Rene Anzaldua	

6644 El Camino Real
Mission, Texas 78572-1505

Betty Anzaldua
P.O. Box 1393
Espanola, New Mexico 87532-1393

Rebecca Y. Serrano
P.O. Box 1144
Espanola, New Mexico 87532-1144

Patrick Donald Anzaldua
P.O. Box 109
Hernandez, New Mexico 87537-0109

Ronald R. Anzaldua
4631 W. Flint Street
Chandler, Arizona 85226-2986

Reynaldo Anzaldua
213 N. 13th St
Donna, Texas 78537-2813

Ernesto Flores, Jr.
4316 Cholla Dr NE
Rio Rancho, New Mexico 87144-5740

Imelda Flores Gonzalez
6609 Needham Lane
Austin, Texas 78739-1578

Elvira Flores de Anda
304 Rose Marie Street
Mission, Texas 78574-2320

Jorge A. Flores
29303 Mandetta Drive
Boerne, Texas 78015

Mary Lou Flores
1820 Peace Avenue
Mission, Texas 78572

December 16, 1997 – Affidavit of
Heirship for Ernesto G. Flores and wife,
Maria C. Flores – Document #: 1997-
642979; Deed Records of Hidalgo County

<p>Roberto Efrain Flores, Jr. 2904 San Efrain Mission, Texas 78572-7616</p> <p>Emma Catherine Flores 901 Sunrise Lane Mission, Texas 78574-2387</p> <p>Joseph Alfonso Flores 1820 Peace Avenue Mission, Texas 78572</p> <p>Dora Elda Flores 901 Sunrise Lane Mission, Texas 78574-2387</p> <p>Victoria Monica Flores 1820 Peace Avenue Mission, Texas 78572</p> <p>Natalie Marie Flores-Henly 1820 Peace Avenue Mission, Texas 78572</p> <p>Unknown Heirs of Hilda Cavazos, deceased July 7, 2004</p> <p>Efrain Cavazos address unknown</p> <p>Humberto Cavazos address unknown</p> <p>Rogerio Alfredo Cavazos address unknown</p> <p>Maria Rosario Cavazos address unknown</p> <p>Bertha Oralia Cavazos address unknown</p> <p>Ruben Armando Cavazos address unknown</p>	
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<p>Jose Alfredo Cavazos (a/k/a Fred Cavazos) 4109 S. Conway Avenue Mission, Texas 78572-1525</p> <p>Eloisa Rosa Cavazos 4109 S. Conway Avenue Mission, Texas 78572-1525</p> <p>Baudilia Lydia Cavazos Rodriguez (a/k/a Baudelia Lydia Cavazos Rodriguez, a/k/a Baudilia Lidya Cavazos) 1600 W. Gardenia Avenue McAllen, Texas 78501-3216</p> <p>Heirs of Raul Cavazos:</p> <p>Jose Alfredo Cavazos (a/k/a Fred Cavazos) 4109 S. Conway Avenue Mission, Texas 78572-1525</p> <p>Eloisa Rosa Cavazos 4109 S. Conway Avenue Mission, Texas 78572-1525</p> <p>Baudilia Lydia Cavazos Rodriguez (a/k/a Baudelia Lydia Cavazos Rodriguez, a/k/a Baudilia Lidya Cavazos) 1600 W. Gardenia Avenue McAllen, Texas 78501-3216</p>	<p>RGV-MCS-2119: June 4, 1952 – Warranty Deed – Document #: 1952-9461; Volume 747, Page 410; Deed Records of Hidalgo County</p> <p>March 3, 1980 – Affidavit of Heirship of Raul Cavazos – Document #: 1980-6852; Volume 1662, Page 368; Deed Records of Hidalgo County</p> <p>December 21, 1990 – Affidavit of Heirship of Raul Cavazos – Document #: 1990-191702; Volume 3010, Page 854; Deed Records of Hidalgo County</p>
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JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Megan Eyes, United States Attorney's Office, SDTX, 1701 West
Bus. Hwy. 83, Ste. 600, McAllen, TX 78501

DEFENDANTS

27.36 Acres of Land, More or Less, Situate in Hidalgo County, State
of Texas; and Heirs of Romulo Cavazos, et al.

County of Residence of First Listed Defendant Hidalgo
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

40 U.S.C. 3113 and 3114

Brief description of cause:

Land condemnation proceeding for temporary easement (right of entry) to survey and conduct testing

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/05/2018

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

SIGNATURE OF ATTORNEY OF RECORD

